IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA Norfolk Division

CSX TRANSPORTATION, INC., individually and on behalf of NORFOLK & PORTSMOUTH BELT LINE RAILROAD COMPANY,

Plaintiff,

v. Civil Action No. 2:18-cv-530

NORFOLK SOUTHERN RAILWAY COMPANY, et al.,

Defendants.

MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION

Defendant Cannon Moss ("Moss"), by counsel, moves to dismiss all claims asserted against him in the Complaint for lack of subject matter jurisdiction pursuant to Rules 12(h)(3) and 12(b)(1) of the Federal Rules of Civil Procedure, for all of the reasons set forth in the accompanying memorandum.

WHEREFORE, Cannon Moss respectfully requests the Court grant his Motion to Dismiss, dismiss all claims against him, award him his costs, and grant such further relief as the Court deems appropriate.

CANNON MOSS

By /s/ Clark J. Belote
Counsel

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CERTIFICATE OF SERVICE

I certify that on this 28th day of February, 2020, a true and correct copy of the foregoing was served via Notice of Electronic Filing by filing with the Court's CM/ECF System on all counsel of record.

/s/ Clark J. Belote
